IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9094 OF 2004

Ramesh Laxman Zagde..... ..... Petitioner.

Versus

Maharashtra State Road Transport Corporation (Pune Division)..... Respondent.

Mr. Dilip Bodake for the Petitioner.

None for the Respondent.

CORAM : S. C.DHARMADHIKARI, J.

DATED : 20TH DECEMBER, 2004.

P.C.:

Heard Shri Bodake, learned Counsel appearing for the Petitioner.

2. The courts below have found that the action of the Maharashtra State Road Transport Corporation (MSRTC) in terminating the services of the Petitioner for the misconduct of reporting to duty after consuming alcohol is not in any manner vitiated so as to term it an unfair labour practice. The Courts below record that two tests were conducted, one at the Bombay Central Depot and another at the J.J. Hospital which

confirm that the Petitioner had consumed alcohol. A panchnama was drawn at the Depot in the presence of two panchas. Neither the panchas have been examined by the Petitioner nor other materials have been produced to substantiate his allegation that hisrvice has been dispensed with on account of quarrel with a co-employee. This is not a fit case for exercise of jurisdiction under Article 227 of the Constitution of India considering the seriousness of the misconduct and the exercise of powers by MSRTC under its service rules. Writ Petition is, accordingly, dismissed.

Sd/-

(S. C. DHARMADHIKARI,J.)